

PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) MAT-8198US	
	Application Number 10/010,630	Filed November 7, 2001
	First Named Inventor Yuji Toyomura et al.	
	Art Unit 2168	Examiner Debbie M. Le

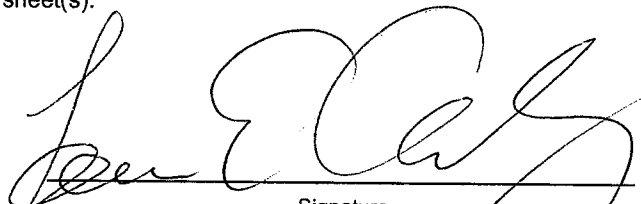
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.7.1 Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- ☒ attorney or agent of record.
Registration number **34,515**
- ☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____



Signature

Lawrence E. Ashery

Typed or printed name

610-407-0700

Telephone number

December 8, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 5 forms are submitted

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Independent claims 1, 6, 8 and 32 stand rejected under 35 U.S.C. § 102(e) as anticipated by Ando et al. (U.S. Patent No. 6,341,196). Independent claims 49 and 52-57 stand rejected under 35 U.S.C. § 103(a) as obvious over Ando and Black et al. (U.S. Patent No. 7,103,602). It is respectfully submitted, however, that the claims are patentable over the art of record for the reasons set forth below.

Applicants' invention, as recited by independent claim 1, includes a feature which is neither disclosed nor suggested by the art of record, namely:

...a plurality of directories at a directory level, each of said directories limited to storing files of a respective one of a plurality of file formats, so that not more than said respective one of said plurality of file formats are permitted to be stored in each of said directories...

...a further directory at said directory level, said further directory for storing files in other than said plurality of file formats.... (Emphasis added)

In the exemplary embodiment described in Applicants' disclosure, this means that each one of the plurality of directories is limited to storing files having one format. Example directories are shown in the evidence appendix. As shown, a first directory can only store .doc files. A second directory can only store .xls files. A third directory can only store .xlm files. A fourth directory stores files having formats other than .doc, .xls and .xlm (e.g., .pdf, .tmp, etc.).

The Examiner argues that Ando teaches "a plurality of directories at a directory level, each of said directories limited to storing files of a respective one of a plurality of file formats." As support for the argument, the Examiner cites to

Ando at column 5, lines 7-15, col. 17, lines 7-26 and FIG. 5.

The cited sections of Ando disclose a plurality of directories. Each of Ando's directories stores one respective category of data. By way of example, a first directory stores video information, a second directory stores still picture information and a third directory stores audio information. Exemplary rewritable video, video title, audio title and user-set sub-directories are shown in FIG. 5.

While Ando's FIG. 5 shows subdirectories that each store only one category of files, Ando's FIG. 5 also shows that files having different file types can be stored in the same subdirectory. For example, FIG. 5 shows three different file types stored in the rewritable video subdirectory (.ifo type files, .bup type files and .ob type files). Accordingly, while Ando discloses subdirectories that are each limited to storing one category of files, Ando does not disclose "a plurality of directories at a directory level, each of said directories limited to storing files of a respective one of a plurality of file formats, so that not more than said respective one of said plurality of file formats are permitted to be stored in each of said directories," as required by Applicants' claim 1.

Black does not make up for the deficiencies of Ando.

It is because Applicants include the feature of "a plurality of directories at a directory level, each of said directories limited to storing files of a respective one of a plurality of file formats," that the following advantages are achieved. A device (e.g., a telephone) may store in the memory media files having a format that the device recognizes and files having a format that the device does not

recognize. A user may easily peruse the files thus stored.

Accordingly, for at least the reasons provided above, claim 1 is patentable over the art of record.

Independent claims 6, 8, 32, 49 and 52-57, while not identical to claim 1, include features similar to claim 1. Accordingly, independent claims 6, 8, 32, 49 and 52-57 are also patentable over the art of record for the reasons set forth above.

Claims 3-5, 46 and 50-51 include all features of claim 1 from which they depend. Claims 12, 14-31, 44 and 47 include all features of claim 6 from which they depend. Claims 34-43, 45 and 48 include all features of claim 32 from which they depend. Claim 58 includes all features of claim 52 from which it depends. Thus, for at least the reasons provided above, claims 3-5, 12, 14-31, 34-48, 50-51 and 58 are also patentable over the art of record.

In the Advisory Action, the Examiner refers to Fig. 5 of the Ando Patent. Fig. 5 includes video title set video_ts and audio title set audio_ts. In the last sentence of the Advisory Action, the Examiner states that video title set and audio title set from Fig. 5 can only store files in one format. However, the Examiner has not explained her argument. Applicants' representative cannot find any explanation why the Examiner believes that the video title set and audio title set subdirectories are limited to one format. Allowance is respectfully requested.

EVIDENCE APPENDIX

Directory
Level

	.doc
	.xls
	.xlm
	other formats (e.g. - .pdf, tmp, etc.)